

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

under section 3271, subsection 1, who received his medical education as a contract student as provided in Title 20-A, chapter 421, and who agrees to practice in a primary care or other specialized area as defined in Title 20-A, section 11803, subsection 2, or an underserved area as defined in Title 20-A, section 11802, shall be deemed to have completed the postgraduate training requirements of section 3271, subsection 2, upon satisfactory completion of at least 12 months in a graduate educational program approved as specified in section 3271. The board may make the reregistration of an individual for 4 years after his licensure under this subsection contingent on his continuing to practice in an underserved area.

This subsection shall apply only to persons entering into a contract under Title 20-A, chapter 421, on or before December 31, 1984.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 8, 1987.

CHAPTER 240

S.P. 547 — L.D. 1652

AN ACT to Amend the Civil Service Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is essential for departments to be able to hire persons for intermittent positions, particularly before the summer season begins; and

Whereas, the definition of intermittent employee needs to be changed with respect to the limitation on the hours for intermittent position from a weekly basis to an annual basis; and

Whereas, the use of recruitment and retention stipends are necessary to attract and retain employees in certain positions; and

Whereas, the law authorizing these stipends statutorily "sunset" on July 1, 1987; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §634, sub-§3, as enacted by PL 1985, c. 720, is repealed.

Sec. 2. 5 MRSA §7042, sub-§7, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

7. Study acting capacity positions. Study acting capacity positions with the purpose of proposing recommendations that provide status, including, but not limited to, experience, pay step increases, application for the position upon the termination of the acting capacity status of the position, fringe benefits and any other factors deemed relevant by the Policy Review Board; study the feasibility of appropriate alternatives to temporary service contract employment, including the establishment of an administrative support services pool, made up of classified employees, to be utilized to assist agencies and departments with temporary absences or excessive seasonal workloads and to abolish the use of temporary service contracts;

Sec. 3. 5 MRSA §7051, sub-§5, ¶¶A and B are enacted to read:

A. Probationary employees shall be reviewed at the end of their 3rd month of employment by their supervisors. The supervisor and the employee shall mutually discuss the job tasks and the performance of the employee, including any necessary improvements.

B. Probationary employees shall be included in the payroll of the department in which they have been hired at the time of the commencement of their duties. Probationary employees shall be compensated in the same manner as permanent full-time employees, provided they have been hired in accordance with all applicable laws and procedures.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 8, 1987.

CHAPTER 241

H.P. 1211 — L.D. 1653

AN ACT Authorizing the Use of Gill Nets by Department of Inland Fisheries and Wildlife Personnel for Scientific Purposes.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period will not terminate until well through the next biological field season; and

Whereas, the current ban on the use of gill nets will have significant adverse impact on biological efforts to evaluate and assess the State's inland fishery resources; and

Whereas, the inland fishery resources in the State

have a tremendous impact on outdoor recreation and tourism; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §7771, sub-§1, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. In the waters so set apart, the commissioner and persons acting under his authority in their respective fish culture and scientific work may take fish at any time or in any manner, and erect and maintain any fixtures necessary for these purposes. In no instance may the commissioner permit the taking of fish by explosive, poisonous or stupefying substances, except for the use of registered fish toxicants for reclamation purposes.

Sec. 2. 12 MRSA §7771, sub-§4 is enacted to read:

4. Gill nets. Department personnel may use gill nets under the following constraints.

A. Notwithstanding section 7621, the department may use gill nets in inland waters provided that:

(1) When requested by another agency to undertake a gill netting project, the department shall be reimbursed by that agency for all costs relating to the gill netting project;

(2) Both ends of the net are marked with buoys which are clearly visible from a distance of 300 feet and which identify the department; and

(3) The results of each netting are forwarded on a weekly basis to the office of the commissioner where records shall be available for public inspection.

B. Any person not complying with the restrictions set forth under this subsection shall be guilty of a prohibited act.

C. The department shall provide the Legislature with a report on the use of gill nets by department personnel and any violations of this subsection by March 1, 1989. This subsection is repealed on October 1, 1989.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 8, 1987.

CHAPTER 242

H.P. 1212 — L.D. 1654

AN ACT to Amend Certain Laws Relating to the Department of Environmental Protection.

Be it enacted by the People of the State of Maine as follows:

38 MRSA §584-A, sub-§2, ¶A and B, as enacted by PL 1971, c. 570, are amended to read:

A. Sulfur dioxide concentration for any 3-hour period at any location shall not exceed 1150 micrograms per cubic meter, except once per year.

B. Sulfur dioxide concentration for any 24-hour period at any location shall not exceed 230 micrograms per cubic meter, except once per year.

Effective September 29, 1987.

CHAPTER 243

S.P. 487 — L.D. 1469

AN ACT to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1471-C, sub-§5, as amended by PL 1981, c. 374, §1, is further amended to read:

5. Commercial applicator. "Commercial applicator" means any person, except a government pesticide supervisor, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments. The board may by rule provide for exemptions from licensing requirements and for reduced licensing requirements for classes of commercial applicators of general-use pesticides applied by hand or non-powered equipment, provided that the board finds that applications by those classes do not pose a significant risk to health or the environment and the requirement of licensing does not serve a meaningful public purpose.

Sec. 2. 22 MRSA §1471-C, sub-§5-A, as enacted by PL 1977, c. 20, §2, is amended to read:

5-A. Custom application. "Custom application"